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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 BAKKEN RESOURCES, INC., a Nevada
12 corporation,

13 Plaintiffs,

14 vs.

15 ALLAN G. HOLMS, an individual, MANUEL
16 GRAIWER, and individual, DOES 1-10 and ROE
17 ENTITIES I-X,

18 Defendants.
19

Case No. 3:17-cv-00167-MMD-VPC
(State Court No. CV17-00360)

20 **PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS**
21 **OPPOSITION TO ALLAN G. HOLMS'S MOTION TO DISMISS FOR LACK OF**
22 **PERSONAL JURISDICTION**

23 Plaintiff, BAKKEN RESOURCES, INC., a Nevada Corporation hereby requests the
24 Court to take judicial notice of certain documents as set forth herein. Rule 201 of the Federal
25 Rules of Evidence allows a court to take judicial notice of adjudicative facts. "A judicially
26 noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known

1 within the territorial jurisdiction of the trial court or (2) capable of accurate and ready
2 determination by resort to sources whose accuracy cannot reasonably be questioned."
3 Fed.R.Evid. 201(b).

4 A court may take judicial notice of a public record, but may not take judicial notice of a
5 fact that is "subject to reasonable dispute." *Lee v. County of Los Angeles*, 240 F.3d 754, 775 (9th
6 Cir. 2001). *In Insurance Co. of N. Am. v. Hilton Hotels U.S.A.*, 908 F. Supp. 809, 812, n.1 (D.
7 Nev. 1995), this Court took judicial notice of the copies of the pleadings, motions, and discovery
8 responses in the action and an underlying action that gave rise to a dispute over insurance
9 coverage. Based on the foregoing, Plaintiff requests the Court to take judicial notice of the
10 following:
11

12 1. The Notice of Shareholder Interest Pursuant to NRCP 23.1 filed by Allan Holms
13 in the Second Judicial District Court of Nevada, Case No. CV14-00544, attached hereto as
14 **Exhibit 1**.

15 2. The Template for Certificate of Service generated by the Second Judicial District
16 Court of Nevada in Case No. CV14-00544, attached hereto as **Exhibit 2**.

17 3. The first two pages of the Case Summary generated by the Second Judicial
18 District Court of Nevada in Case No. CV14-00544, attached hereto as **Exhibit 3**.

19 4. The Stipulation and Order for Consolidation of Cases and Continuance of
20 Preliminary Injunction Hearing filed in the Second Judicial District Court of Nevada in Case No.
21 Case No. CV16-01086 which was consolidated with and into Case No. CV14-00544, attached
22 hereto as **Exhibit 4**.

23 5. The Order filed July 14, 2016 in the Second Judicial District Court of Nevada,
24 Consolidated Case No. CV14-00544, attached hereto as **Exhibit 5**.

1 6. The Return of Notice of Electronic Filing and Proof of Service for the Order filed
2 July 14, 2016 in the Second Judicial District Court of Nevada, Consolidated Case No. CV14-
3 00544, attached hereto as **Exhibit 6**.

4 7. Various pages of the Transcript of Proceedings on August 9, 2016 in the Montana
5 First Judicial District, County of Lewis and Clark, Cause No. DDV 2016-612, attached hereto as
6 **Exhibit 7**.

7 8. The Temporary Restraining Order filed July 22, 2016 in the Second Judicial
8 District Court of Nevada, Consolidated Case No. CV14-00544, attached hereto as **Exhibit 8**.

9 9. The Return of Notice of Electronic Filing and Proof of Service for the Temporary
10 Restraining Order filed July 22, 2016 in the Second Judicial District Court of Nevada,
11 Consolidated Case No. CV14-00544, attached hereto as **Exhibit 9**.

12 10. The Order Granting Temporary Restraining Order and Order to Show Cause filed
13 July 22, 2016 in the Montana First Judicial District, County of Lewis and Clark, Cause No. DDV
14 2016-612, attached hereto as **Exhibit 10**.

15 11. The documents obtained from the Office of the Secretary of State of Nevada
16 regarding Entity Number C15582-1999, A.A.T. & Associates, Inc., formerly known as Allan G.
17 Holmes & Associates, Inc., attached hereto as **Exhibit 11**.

18 12. The documents obtained from the Office of the Secretary of State of Nevada
19 regarding Entity Number E0074962010-8, Roil Energy, LLC, attached hereto as **Exhibit 12**.

20 13. The Out of State Commission and State of Washington Subpoena In a Civil Case
21 issued to Empire Stock Transfer Company filed June 8, 2012 in the Second Judicial District
22 Court of Nevada, Case No. CV12-01522, attached hereto as **Exhibit 13**.

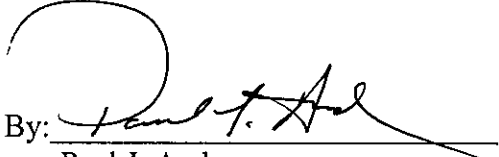
1 14. The Out of State Commission and State of Washington Subpoena In a Civil Case
2 issued to Nevada Agency and Transfer Company filed June 8, 2012 in the Second Judicial
3 District Court of Nevada, Case No. CV12-01522, attached hereto as **Exhibit 14**.

4 15. The Minutes of the Hearing on Defendant's Motion for Preliminary Injunction
5 10-25-16 filed November 2, 2016 in the Second Judicial District Court of Nevada, Consolidated
6 Case No. CV14-00544, attached hereto as **Exhibit 15**.

7 16. The Order Extending TRO and Granting Leave to File Counterclaim filed
8 November 1, 2016 in the Second Judicial District Court of Nevada, Consolidated Case No.
9 CV14-00544, attached hereto as **Exhibit 16**.

10
11 Dated this 30th day of March, 2017.

12 Maupin, Cox & LeGoy

13
14 By: 

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24
25
26

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Maupin, Cox and LeGoy, and in such capacity and on the date indicated below, I caused to be served a true and correct copy of the foregoing document on the following e-filer who have agree to accept service of court filed documents within the CM/ECF System:

Frank B. Gilmore, Esq.
Robinson, Belaustegui, Sharp & Low
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And via electronic transmission, addressed as follows:

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Dated this 30th day of March, 2017.


EMPLOYEE